



CITY COUNCIL

Public Safety Committee

Monday, June 2, 2008

Agenda

5:00 p.m.

Committee Members: D. Sterner (Chair), S. Marmarou, M. Goodman-Hinnershitz

COMMITTEE OF THE WHOLE

5:00 p.m.

1. Parking Authority request to tow vehicles with multiple open parking citations – L. Lee
2. Update – Housing Permit Application Process

PUBLIC SAFETY AGENDA

- I. Update – Implementation of Sidewalk Café & Sale Ordinances 6 p.m.
- II. Report – Increased Crime Rate 6:20 p.m.
- III. Landlord Education and Lease Agreements 6:50 p.m.
Requiring “No Alcohol” clause for Off Campus Student Housing
- IV. Disruptive Tenant Ordinance
Requiring revocation of housing permit in place of requiring eviction
- V. Review Reports: 7:15 p.m.
 - Codes Enforcement
 - Crime Stats (Police)
 - Fire Report

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Reading Parking Authority Memo

To: Reading City Council

From: Lawrence Lee

Executive Director, Reading Parking Authority

Date: Monday April 7, 2008.

Re: Abandoned Vehicles

Background

75 Pa. C.S. 7303.1 states that the abandoned vehicle reports that must be completed - can be completed by a police officer or personnel designated by ordinance.

This section from the PA Vehicle Code allows for personnel designated by ordinance to be empowered to complete the abandoned vehicle reports.

Previous Action Required / Completed

The abandoned vehicle report was completed by the RPD when the Parking Authority utilized Vince's Towing. This was done in compliance with the towing contract between the City and Vince's Towing. The Parking Authority now utilizes KJ Towing for all of our towing needs. The RPD is reluctant to fill out the abandoned vehicle reports for KJ Towing because of the contractual obligations with Vince's Towing.

Review and Recommendation

The Parking Authority recognizes and understands the RPD's reluctance to fill out the abandoned vehicles report. In an effort to ensure no legal conflict, the Parking Authority requests that city council enact an ordinance empowering a badged officer from the Parking Authority to fill out the abandoned vehicles report. This will allow the RPD to complete the abandoned vehicle report in conjunction with their actions with Vince and still allow the Parking Authority to do the same in conjunction with its contracted tower; thus avoiding any legal conflict. The Parking Authority would also become a more active player in removing abandon vehicles from the streets of Reading.

Recommended Motion

Approve an ordinance to empower a badged officer from the Parking Authority to fill out the abandoned vehicle reports.

BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE EMPOWERING THE READING PARKING AUTHORITY
ENFORCEMENT OFFICERS TO ISSUE ABANDONED VEHICLE REPORTS FOR ALL
VEHICLES TOWED BY THE READING PARKING AUTHORITY DUE TO PARKING
VIOLATIONS, IN ACCORDANCE WITH THE PENNSYLVANIA VEHICLE CODE 75 Pa.
C.S. 7303.1.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. Empowering Reading Parking Authority Enforcement Officers to issue abandoned
vehicle reports for all vehicles towed by the Reading Parking Authority due to parking
violations, in accordance with the Pennsylvania Vehicle Code 75 Pa. C.S. 7303.1.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the
Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of
the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading
Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Police Dept, Reading Parking Authority & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

May 21, 2008
Mr. Larry Lee, Executive Director
Reading Parking Authority
613 Franklin Street
Reading, PA 19601

City of Reading
815 Washington Street
Reading, PA 19601

Re: Reading Parking Authority's Towing Contract Our File No.: 202816-001

Dear Sirs:

This office serves as the solicitor for the Reading Parking Authority ("RPA"). We write to give our opinion that the RPA's Agreement with KJ's Towing is a valid, enforceable agreement and is not limited or precluded by any agreement the City of Reading may be party to with another towing vendor.

A parking authority may enter into contracts necessary to carry on its business. 53 Pa.C.S.A. §5505(d)(13). The RPA is obligated to enforce parking laws and ordinances by the Parking Authority Act (55 Pa.C.S.A. §5501 .) and the Traffic Ordinances of the City of Reading. Ordinance §15-815 authorizes the RPA to boot and tow vehicles. As RPA does not have towing equipment or the facilities to store impounded vehicles, it must contract for these services. The Towing Agreement was a valid exercise of power by the RPA, necessary to effectively fulfill its mission.

A parking authority is a public body corporate and politic that acts as an agent of the Commonwealth of Pennsylvania. 53 Pa.C.S.A. §5505(a)(1). A parking authority is not an instrumentality of the municipality in which it is located. 53 Pa.C.S.A. §5505(a)(2). As the RPA is not an instrumentality of the City, it is not party to or subject to an agreement executed by the City, unless the Authority affirmatively consents and endorses the Agreement.

Very truly yours,
Kozloff Stoudt
Professional Corporation
AL9235

BILL NO. _____-2008

AN ORDINANCE

AMENDING CHAPTER 11 HOUSING - RENTAL OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing - Rental is amended as follows:

Section 104 Application for Permit Subsection 14 (§11-104(14)) of the Codified Ordinances is hereby deleted. The remaining subsections of Section 104 are renumbered accordingly, 11-104(15) is now 11-104(14), 11-104(16) is now 11-104(15) and 11-104(17) is now 11-104(16).

Comment [m1]: Section required payment of all municipal fees to obtain permit. In light of recent caselaw which prohibits such requirement, recommended it be removed.

Section 124 Disruptive Conduct Subsection C Eviction (§11-124(C)) is amended to read in its entirety as follows:

After two (2) disruptive conduct incidents in any 12-month period by the occupant documented by disruptive conduct reports, the owner or local responsible agent shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. *The owner or local responsible agent shall pursue the eviction of the occupants as required herein. Pursuit of the eviction of said occupants shall include but not be limited to prosecution of the eviction proceedings and participation with follow through of any appeal.* This paragraph is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the second disruptive conduct incident.

Comment [c2]:

Section 124 Disruptive Conduct Subsection G Report Against All Occupants (§11-124(G)) shall be amended to read in its entirety as follows:

The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. *More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding paragraph.*

Section 124 Disruptive Conduct Subsection H Maintenance of List of Evicted Occupants (§11-124(H)) shall be renamed and amended to read in its entirety as follows:

**H. MAINTENANCE OF LIST OF DISRUPTIVE CONDUCT
REPORT TENANTS AND OCCUPANTS AND EVICTED
OCCUPANTS**

The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Ordinance. The Codes Enforcement Division shall also maintain a list of all occupants and tenants evicted as a result of this Ordinance. The names shall remain on the list for a period of five (5) years.

Section 125 Housing Board of Appeals Subsection (A) Appeals (§11-125(A)) shall be amended to read in its entirety as follows:

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, non-renewal, denial or revocation of a Rental Permit, may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing *with the Manager of the Codes Enforcement Division*, with the appropriate filing fee within ten (10) working days from the date of receipt of the disruptive conduct report or notice of revocation.

Section 125 Housing Board Subsection (C) Powers (§11-125(C)) is hereby amended to add a new paragraph 6 to read as follows and renumber the existing paragraph 6 to paragraph 7:

6. OATHS AND SUBPOENAS.

The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Section 125 Housing Board of Appeals Subsection (G) Fee (§11-125(G)) shall be renamed and amended to read in its entirety as follows:

G. FEE AND COSTS

The fee for filing of an Appeal to the Housing Board of Appeals shall be \$75. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. *In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.*

Comment [m3]: Was \$50.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing - Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

Council President

Attest:

City Clerk

(LAW)

Public Safety Goals

Goal 1: Coordination of Police, Codes and Zoning Services

Goal 2: Support Problem Oriented Policing

Goal 3: Surveillance Camera Project

Goal 4: Support re-establishment of Canine Unit

Goal 5: Support Consolidation of Fire Departments

Goal 6: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel)

Goal 7: Support Health and Safety Review Ordinances

Goal 8: Amend Disruptive Tenant Ordinance (to remove loop holes and inconsistencies)

Goal 9: Support Cops and Codes Sweeps

Goal 10: Support Implementation of Sidewalk Café and Sales Ordinances